

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

MICHAEL SCOTT JACKSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:18-cv-00033-TWP-DML
	)	
TRAVIS DAY Corporal	)	
a/k/a CPL. DAY,	)	
KEVIN DALY Jak Officer,	)	
ROGER HOUSTON L.P.D. Officer,	)	
	)	
Defendants.	)	

**Order Dismissing Action for Failure to Prosecute and Comply with Court Orders  
and Directing Entry of Final Judgment**

Plaintiff Michael Scott Jackson (“Jackson”) filed this action alleging excessive force and other constitutional violations against nineteen defendants, on February 23, 2018, while in the county jail in Lawrenceburg, Indiana. Dkt. 1. The Court screened Jackson’s complaint, allowed claims against three defendants to proceed, and informed Jackson of his obligation to inform the Court of any change in address. Dkt. 13, § III. He was specifically informed that a failure to keep the Court advised of his current address could result in the dismissal of this action for failure to prosecute and comply with Court orders. *Id.*

On May 11, 2018 Jackson filed a notice that he was no longer in jail and provided an address in Hamilton, Ohio. See *dkt.* 11. After Jackson his release from jail, on two other occasions Jackson advised the Court of additional address changes. See *dkts.* 30 & 53. The latter change of address, on May 20, 2019, is the last filing made by Jackson in this action, and mail to that address – a post office box – has been returned by the postal service, marked as undeliverable because the box has been closed.

The Magistrate Judge issued a scheduling order on September 13, 2019, setting a telephone status conference. Dkt. 61. Jackson's copy of the Order was returned to the Court as undeliverable. Dkt. 65. Jackson did not appear for the status conference. Dkt. 63. The Magistrate Judge directed Jackson to show cause for his non-appearance, warning him that a sanction could include the dismissal of this action. *Id.* Jackson's copy of that Order was also returned to the Court as undeliverable. Dkt. 66.

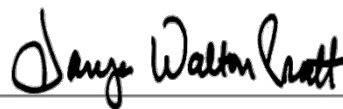
Jackson's failure to keep the Court informed of a current address has resulted in the defendants' seeking an extension of the deadline for filing a dispositive motion. Dkt. 67. The defendants state that Jackson, as of October 2019, has not responded to interrogatories served in December 2018, and has not complied with the pretrial schedule requirement to exchange certain information. Dkt. 64.

Jackson has not complied with the Court's Order to update his address within ten days of any address change. He did not appear for the Magistrate Judge's status conference, and he did not respond to the Court's order to show cause. Jackson likewise did not comply with the initial information exchange required by the pretrial order, and he has not answered the defendants' interrogatories served ten months ago. It appears Jackson has abandoned this action.

The Court construes the defendants' October 29, 2019, motion for an extension of time as a motion to dismiss for failure to prosecute, dkt. [67] and **grants** the motion. This action is **dismissed** for failure to prosecute and failure to comply with a Court Order. *See* Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

Date: 11/4/2019



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

Michael Scott Jackson  
105 Court Street #1328  
Hamilton, OH 45012

Corey J. Dunn  
Kightlinger & Gray LLP  
cdunn@k-glaw.com

R. Jeffrey Lowe  
Kightlinger & Gray, LLP (New Albany)  
jlowe@k-glaw.com

Matthew David Miller  
Travelers Staff Counsel Office (Indianapolis)  
mmille22@travelers.com

Daniel Mark Witte  
Travelers Staff Counsel Indiana  
dwitte@travelers.com